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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 28, 2014

VIA CERTIFIED MAIL 91 7199 9991 7033 3072 6144

Ameriforge Corporation
2525 De Soto St.
Houston, TX 77091-3811

Re: CES Environmental Services Inc. Facility,
4904 Griggs Road, Houston, Harris County, Texas – SWR # 30900
Request for Information

To whom it may concern:

The Texas Commission on Environmental Quality (TCEQ) is required under the Texas Solid Waste Disposal Act (the Act), Tex. Health & Safety Code §§ 361.001-361.966, to identify and assess facilities that may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment. The CES Environmental Services Inc. facility located at 4904 Griggs Road, Houston, Harris County, Texas (the Site) has been referred to the Superfund Section for evaluation, including the need for any immediate response actions at the site. This letter serves as notification that the TCEQ is currently assessing the Site. This assessment includes obtaining site historical information and identifying parties associated with the site and their relationship to the site. All information obtained will be compiled to develop the history of the site and to eventually identify Potentially Responsible Parties (PRPs) as defined in Section 361.271 of the Act.

In addition, this letter is notification that any and all interested parties have the opportunity to fund or conduct TCEQ-approved cleanup activities such as removals, remedial investigation/feasibility studies, or remedial actions or other response actions at the Site under Section 361.183 or Sections 361.601-613 (Voluntary Cleanup Program) of the Act. However, the TCEQ may choose to perform a unilateral action, if it is considered appropriate, and seek recovery of costs from PRPs later.

Pursuant to Section 361.271 of the Act, PRPs include current and former landowners and facility operators and persons who were involved in the transport, storage, processing or disposal of solid waste at the site. "Facility" is defined, in part, at Section 361.181(c) (1) of the Act, as "any site or area where a hazardous substance has been deposited, stored, disposed of, or placed or otherwise come to be located." Based upon a preliminary investigation of the site's historical records, Ameriforge Corporation (Ameriforge) has been identified as being associated with the Site.

Under the provisions of Section 361.182(b) of the Act, the TCEQ requests that you provide the TCEQ with information/documentation of Ameriforge's historical relationship to the Site. Please submit a written response to this request within thirty (30) days after the date of this letter. This information requested should include, but is not limited to, the following:
Discuss Ameriforge's relationship to this site.

Provide the name(s), address(es), and any facility identification numbers for any businesses which were associated with this site. Include any knowledge regarding persons or companies that sold, transported, generated, treated, stored, or disposed of hazardous substances, including product or waste material at this time. Include all material that may have been sent for reclamation.

List all materials generated, treated, stored, or disposed of at this site. Include the common name(s) or the name(s) listed on known Material Safety Data Sheets (MSDS) and, if available, the International Union of Pure and Applied Chemistry (IUPAC) name.

Provide any analytical data associated with material generated, treated, stored, or disposed of at this site.

Provide the dates in which Ameriforge may have had any involvement with the site. Include dates of disposal, volumes of hazardous substances disposed, and all waste characterization sheets.

Provide all documents associated with any material transported to this site, including bills of lading, hazardous and non-hazardous waste manifests, transportation tickets, and any other documents which could be associated with the facility operations at this site.

Provide information pertaining to the identification of soils, groundwater, or surface water at the site that have been or may be affected by an actual or threatened release of a hazardous substance. Include the nature or extent of any release or threatened release of a hazardous substance at or from the site.

Please include any additional information you have that may be useful in determining the site's operational history, including company names, business organization history, property ownership records, and current or historic property surveys.

Please be advised that all information which is submitted to the TCEQ is public information unless restricted under the Texas Public Information Act, Texas. Gov't Code §§ 552.001-552.353. If you are required to divulge information which you consider confidential, please make a request for confidentiality in the heading of your written response. Please note that making this request for confidentiality does not automatically make the information confidential. If the TCEQ receives a Public Information Request that covers information that you submitted to the TCEQ, which you consider confidential, the TCEQ will notify you of the request; and you will have the opportunity to submit arguments to the Texas Office of the Attorney General describing why the information you submitted to the TCEQ meets exceptions from disclosure under the Texas Public Information Act. The Texas Office of the Attorney General will make the final decision on whether the information is excepted from disclosure under the law.

Releases of hazardous substances from this site have been documented. For this reason, the TCEQ would like to proceed with the site evaluation as rapidly as possible. Please submit a written response stating the Ameriforge's willingness to fund or conduct any TCEQ-approved cleanup activities (such as removals, investigations, or remedial actions) within thirty (30) days after the date of this letter. Unless the TCEQ receives such statement within thirty (30) days after the date of this letter, the TCEQ will conclude that Ameriforge has no interest in conducting cleanup actions, and the TCEQ may proceed to perform appropriate cleanup activities. All expenditures by the TCEQ may be cost recoverable.

If you believe that Ameriforge's responsibility as a PRP has been discharged in bankruptcy under 11 U.S.C. § 524 or if you contend that this action is stayed pursuant to 11 U.S.C. § 362 due to a pending bankruptcy proceeding, PLEASE IMMEDIATELY provide us with certified file-stamped copies of the following documents from the bankruptcy court where Ameriforge's bankruptcy case was filed so that these pleadings can be immediately reviewed and appropriate action taken: (1) Petition, (2) Schedule and Statement of Affairs, (3) Matrix. In addition the following pleadings should be submitted, if applicable: (4) Disclosure Statement, (5) Plan of Reorganization, (6) Order Confirming Plan of Reorganization, and (7) Discharge Order. Please also furnish any additional pleadings from the bankruptcy court that you or Ameriforge's attorneys believe to be relevant to your responsibilities for the Site.

Please reference the site name, "CES Environmental Services", on correspondence regarding this matter. Correspondence should be sent to my attention using mail code MC-136 at the letterhead address.

If you have any questions, please call me at (713)767-3560 or the TCEQ Attorney for the Site, Patricia Scott at (512)239-0637. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Andrews", is written over a light blue circular stamp.

Terry Andrews
Project Manager
Remediation Division
Superfund Section

TA/dl

cc: Ms. Carol Rahmani, Remediation Division, Office of Waste, TCEQ
Ms. Patricia Scott, Litigation Division, Office of Legal Services, TCEQ